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ABSTRACT

These opening remarks by the Director General of Unesco briefly discuss that organization's activities in the area of copyright within the field of satellite communication. They were addressed to members of a committee whose purpose is to determine whether the protection of signals transmitted by communications satellites does or does not require either the modification of existing conventions or the preparation of a new international instrument. (Author/SJ)

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Address by
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Director-General
of the United Nations Educational,
Scientific and Cultural Organization
(Unesco)

on the occasion of the meeting of the
Second Committee of Governmental Experts on Problems
in the Field of Copyright and of the Protection of Performers,
Producers of Phonograms and Broadcasting Organizations raised
by Transmission via Space Satellites

Paris, 9 May 1972

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Your Excellencies,
Ladies and gentlemen,

I am particularly happy to welcome to Unesco House the distinguished experts - diplomats, jurists, specialists in copyright and in questions relating to broadcasting - assembled here today for the opening of the meeting of the Second Committee of Governmental Experts on problems in the field of copyright and of the protection of performers, producers of phonograms and broadcasting organizations raised by transmission via space satellites, which I convened jointly with the Director-General of the World Intellectual Property Organization (WIPO), Mr. Bodenhausen, who, to my great regret, is unable to be present at this inaugural meeting. He is represented this morning by Mr. Arpad Bogsch, First Deputy Director-General, whom I am delighted to see with us.

I should like, further, to extend a welcome to the representatives of the intergovernmental organizations - and, in particular, of the International Labour Organisation and the International Telecommunication Union - which are also concerned with the questions before you.

Lastly, I am happy to greet the observers from the international non-governmental organizations that are engaged in the protection of television signals transmitted by satellites in regard to which they have made some constructive suggestions.

Ladies and gentlemen,

By resolution 5.134, adopted at its sixteenth session, in 1970, the General Conference of Unesco, mindful of the wishes expressed by the Intergovernmental Copyright Committee and the Permanent Committee of the Berne Union at their sessions in December 1969, declared the questions of intellectual property raised by space communications to be deserving of detailed study and authorized me, for that purpose, to convene, jointly with the Director-General of WIPO, a Committee of Governmental Experts to determine, in particular, whether the protection of television signals transmitted by communications satellites did or did not require either the modification of existing conventions or the preparation of a new international instrument.

As you know, this Committee met in Lausanne (Switzerland) from 21 to 30 April 1971. I shall confine myself to reminding you that, after considering various ways of ensuring the protection of television signals transmitted by satellites, it prepared a "Draft Convention to Prohibit the Unauthorized Distribution of Program-Carrying Signals Communicated by Satellites". It noted, however, that "the exchange of views which /has/ taken place /has/ not, in spite of its undeniable value, led to proposals which would enable a position to be adopted on the advisability of convening a Diplomatic Conference". The Committee therefore

expressed the wish that it might be "convened at least once more to attempt to achieve a greater degree of reconciliation between the positions both of Governments and of the interested circles".

In response to this wish, the Executive Board of Unesco, by decision 4.5.1 adopted at its 88th session (October 1971), authorized me to convene, jointly with the Director-General of WIPO, this Second Committee of Governmental Experts.

Meanwhile, in accordance with the recommendation made by the Lausanne Committee, the Committees of the Copyright Conventions - the Universal Convention and the Berne Convention - and the Committee of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations considered the results of the work done at Lausanne and adopted, respectively, resolutions which you will find in documents UNESCO/WIPO/SAT.2/Inf. 3 and 4.

The Governments and the international organizations, for their part, sent in important comments, which are likewise reproduced in the documents submitted to you.

This background information will be of use to you in the pursuit of your objective, which was formally that of the First Committee of Governmental Experts, namely, as I said earlier, to determine whether the protection of signals transmitted by communications satellites does or does not require either the modification of existing conventions or the preparation of a new international instrument.

No one in this room can fail to realize that time presses, for science and technology, in this sector more especially, are advancing at giant's pace, and it is becoming a matter of urgency to subject the utilization of the immense powers that their discoveries confer to the rules and principles of an international order. The launching of the first telecommunication satellite took place only ten years ago. Although it is probable that direct communication systems will not be applied before 1980, it seems that it will be technically possible, by about 1975, to operate satellites which will enable emissions from any point on the earth's surface to be received in one's home, on one's own receiver.

Ladies and gentlemen,

In regard to space communication, while the United Nations is primarily concerned with general questions relating to satellites in so far as these have a bearing on the peaceful uses of outer space, and the International Telecommunication Union has the task of ensuring, from the technical standpoint, the international co-ordination and rational utilization of all forms of telecommunications, Unesco, for its part, is bound to assume very extensive responsibilities in the matter. Its Constitution requires it to "promote the free flow of ideas by word and image" and to recommend to this end "such international agreements as may be necessary".

In accordance with these stipulations contained in the Constitution, the General Conference, as far back as 1960, considered that "the conquest of outer space must be put to peaceful ends and that it is already possible to discern how

artificial satellites or machines positioned nearer to the earth could enable educational programmes covering vast areas to be disseminated" (11 C/Resolution 1.1322).

Indeed, due to the greater scope and flexibility they offer, and to the use made of the new methods of educational broadcasting and television, satellite communications seem likely to provide ultimately a solution to certain problems encountered by the developing countries in the sphere of education, whether in connexion with the wider application of school education, mass literacy campaigns or the life-long education of adults.

With regard to science and technology, because of the growing volume and increasing specialization of documentary material to which it is necessary to have the fullest and quickest possible access, the moment can already be foreseen when satellite communications, combined with new methods of computer utilization, will enable universities or research centres located in different regions to establish long-distance liaison either on a permanent or a purely temporary basis. In this connexion, I would remind you that an intergovernmental conference convened by Unesco in Paris, last October, laid the foundations of a world scientific and technical information system known as UNISIST. The implementation of this vast undertaking is obviously a long-term task, requiring a considerable volume of contributions and co-operation, which we are endeavouring to define in order to ensure their co-ordination. But it is already clear that the recommendations you will be making cannot fail to have a direct effect on the future operation of the system.

Lastly, in the matter of cultural exchange, which also falls within Unesco's sphere of competence, space communication now makes it possible to spread to all parts of the world a knowledge of the great works of the human mind in fields such as music, drama, the visual arts or dancing, where the shared aesthetic experience, which requires the physical presence of an audience of listeners or spectators, has hitherto been limited to comparatively small circles.

The vast horizon opened up by the technical possibilities is thus obvious. As these increase in number and take more definite shape, the responsibilities become more compelling. At its sixteenth session in October-November 1970, the General Conference of Unesco, recalling the great possibilities offered by space communication for contributing to education and national development, authorized me by resolution 4.132 to prepare and submit to it at its seventeenth session, which is to open next October, "a draft declaration on guiding principles for the use of space communication for the free flow of information, the spread of education and greater cultural exchange, and to promote international arrangements and conventions in these fields".

The very preamble to the draft declaration prepared in execution of this resolution proclaims the right to the protection of the moral and material interests resulting from any intellectual production.

Unesco fully realizes the extent and multiplicity of the tasks devolving on it in all these respects, in conformity with the mission entrusted to it by its Constitution. It means firmly to shoulder these tasks. Consequently, for the

purpose of reorganizing and strengthening the relevant machinery of the Secretariat I have recently taken certain measures which I have pleasure in bringing to your knowledge.

In the first place, the Division of Copyright has, since 2 May, been headed by an official in the Director category. I am particularly happy to inform you that Miss Barbara Ringer, who until a few days ago held the post of Assistant Registrar of Copyright in the United States, has agreed to accept this appointment. You are all aware of her outstanding competence and wide experience.

Secondly, thinking it essential to harmonize - I would even say to integrate - the efforts aimed at ensuring the world-wide application of the principles of legal and moral protection for the rights of authors and of those people who collaborate in the production of works of the mind with the efforts designed to facilitate the access of developing States to protected works, I have transferred to the Division of Copyright the International Copyright Information Centre, which previously formed part of the Office of Free Flow of Information and Intellectual Exchanges.

The object of this Centre, which was established last year in pursuance of resolution 4.122 adopted by the General Conference at its sixteenth session, is "to afford developing countries greater access to protected works", that is to say, mainly to help them in solving the practical problems involved in the grant of an authorization in respect of copyright. I have appointed Miss Marie-Claude Dock, whose ability and devotion you have had an opportunity of appreciating over the past few years, to be the head of this Centre, and it is my intention to intensify and speed up its development.

And now, ladies and gentlemen, I do not wish to delay any further the beginning of your work. The task awaiting you is a complex and delicate one, but I am sure that you will be able to devise standards and formulae calculated to place communication satellites, as a highly important medium of dissemination, at the service of the whole of mankind. It is therefore with confidence that I offer you my cordial good wishes for the success of your deliberations.